

Rep. Lee Chatfield (District 107)

From: Ron Wernette <ron.wernette@wernettelawfirm.com>
Sent: Tuesday, February 9, 2016 11:13 AM
To: Rep. Kurt Heise; Rep. David Maturen (District 63); Rep. Jim Runestad (District 44); Rep. Jason Sheppard (District 56); Rep. Lana Theis (District 42); Rep. Jeremy Moss (District 35); Rep. Charles Brunner; Rep. David Rutledge; Rep. Sheldon Neeley (District 34); Rep. Amanda Price; Rep. Lee Chatfield (District 107)
Subject: HB 4795 - I don't own a gun but this is why I urge your support
Importance: High

Dear Member of the House Local Government Committee,

First, thank you for your service to the citizens of Michigan. I am a 25-year practicing attorney in Michigan, was born and raised in Michigan, and have raised my own family here. **I do not own any firearms. I am not a member of any advocacy group.** But I am a staunch believer in the law and in our unwavering adherence to the law. As an officer of the court here in Michigan I am sworn to uphold the Constitution of the State of Michigan and of the United States. And that includes a paramount rule of law without which we cannot have an orderly system of laws to guide our citizens and institutions in a federal and state system of government – the Supremacy clause / Preemption doctrine.

I have never before urged the passage of any particular legislation but am urging your support for HB 4795. **My advocacy for HB 4795 is neither pro-gun nor pro-gun control.** Supremacy/preemption is an “issue neutral” legal principle that is critical to allow us citizens and our elected representatives to understand where, and to whom, the debate concerning any substantive issue must be directed for policy-making decisions. What I have seen happening with increasing frequency in the past 10 years are misinformed fellow citizens and our local government officials, including several that I count as personal friends, who do not understand that issues of firearms regulation are governed at the State level. They simply do not understand that attempts at local firearms regulation are legally improper under the principle of Supremacy/Preemption. Many, if not most, local government policy-makers are not trained legal professionals and thus seem to not understand the principle of Supremacy/Preemption. Of course, it is probably true that some have had sound legal counsel but refuse to listen to it and refuse to obey the law by creating local firearms regulations despite their legal nullity. That triggers wasteful conflict and costly litigation, all to the detriment of us citizens.

HB 4795 is necessary to provide local governmental representatives with the type of clear, unambiguous, directive concerning supremacy/preemption that the case law apparently has failed to provide. HB 4795 is plain English that should prevent misinformed errors by local governmental bodies and the resulting wasteful litigation that is a misuse of valuable local resources that are at a premium. **HB 4795 – simply by preventing misguided local firearms regulations and the unnecessary and costly litigation it spawns – protects all of us taxpayers.** Eliminating any confusion about supremacy/preemption also will, of course, have the significant benefit of protecting law-abiding citizens from the erroneous creation and enforcement of improper local government firearms regulations, and will provide some recourse to law-abiding citizens who are treated illegally by their local governments. It is the latter – a real potential consequence for wrongful actions by government officials – that history shows is important to prevent overreaching by any governmental body and continued liberty for ordinary citizens.

HB 4795 adopts wise policy as a purely legal matter, whether a citizen is “pro-gun” or is “pro-gun control”. It will help citizens understand that their issue advocacy on whatever side they are on, needs to take place solely at the State level. They can leave local officials alone on this issue, so that our local officials can focus their limited time, energy, and resources on other important issues that are within the local government sphere. That advances the ball for everyone.

Thank you for considering my point of view and I appreciate your Service.

Best regards,

Ron Wernette

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